

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, April 30, 1957

Senate called to order by the President.

Prayer by Father Rokos of Augusta

On motion by Mr. Parker of Piscataquis, Journal of last Friday read and approved.

Papers from the House

Bill, "An Act Relating to Closed Time on Deer in Certain Counties." (S. P. 280) (L. D. 739)

In Senate, Majority Report (Ought to pass, as Amended with Committee Amendment A) accepted and bill as amended passed to be engrossed.

Comes from House, reports and bill indefinitely postponed, in non-concurrence.

In the Senate, on motion by Mr. Carpenter of Somerset, that Body voted to insist and ask for a Committee of Conference.

Bill, "An Act Relating to Apprentice Lobster Fishing Licenses." (S. P. 137) (L. D. 274)

In Senate, Minority Report (Ought to pass) accepted and the bill passed to be engrossed.

Comes from the House, reports and bill indefinitely postponed, in non-concurrence.

In the Senate, on motion by Mr. Charles of Cumberland, that Body voted to insist and ask for a Committee of Conference.

**House Committee Reports
Leave to Withdraw**

The Committee on Transportation on Bill, "An Act Increasing the Fee for Operators' Licenses." (H. P. 735) (L. D. 1039) reported that the same be granted Leave to Withdraw as Covered by Other Legislation

(On motion by Mr. Cole of Waldo, tabled pending consideration of the report.)

The same Committee on Bill, "An Act Relating to Registration Fees for Passenger Vehicles." (H. P. 866) (L. D. 1228) reported that the same be granted Leave to Withdraw as Covered by Other Legislation

(On motion by Mr. Cole of Waldo, tabled pending consideration of the report.)

Which reports were read and accepted in concurrence.

The PRESIDENT: At this time, the Chair notes the presence in the Senate Chamber of one of the very attractive Senate wives and the Chair would ask the Senator from Lincoln, Senator Dow, to escort his very attractive wife to the rostrum.

This was done amid the applause of the Senate, the members rising.

Ought Not to Pass

The Committee on Highways on Bill, "An Act Prohibiting Distracting Signs Upon Public Ways." (H. P. 763) (L. D. 1045) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Repealing Certain Restrictions on Advertising Structures Near Turnpikes" (H. P. 810) (L. D. 1154) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Amending the Outdoor Advertising Sign Law." (H. P. 853) (L. D. 1216) reported that the same Ought not to pass

The Committee on Judiciary on Bill, "An Act Relating to Duties of Support Under Uniform Reciprocal Enforcement of Support Act." (H. P. 708) (L. D. 1014) reported that the same Ought not to pass.

(On motion by Mr. Silsby of Hancock, the bill was recommitted to the Committee on Judiciary in non-concurrence and sent down for concurrence.)

The same Committee on Bill, "An Act Relating to Warrants on Sales and Use Tax Assessments." (H. P. 876) (L. D. 1244) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Prohibiting Officers of Certain Private Institutions to Have Pecuniary Interest in Contracts." (H. P. 942) (L. D. 1335) reported that the same Ought not to pass.

The Committee on Labor on bill, "An Act Relating to Definition of Employment Under Maine Employment Security Law." (H. P. 323) (L. D. 440) reported that the same Ought not to pass.

The same Committee on Bill, "An Act Relating to Experience Rating Record Under Employment Security Law." (H. P. 834) (L. D. 1190) reported that the same Ought not to pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Disposal of Fees Paid to City or Town Clerks." (H. P. 671) (L. D. 952) reported that the same Ought not to pass.

The Committee on Transportation on Bill, "An Act Relating to the Appointment of Port Pilots." (H. P. 1009) (L. D. 1435) reported that the same Ought not to pass.

Which reports were severally read and accepted in concurrence.

Ought to Pass

The Committee on Transportation on Bill, "An Act Relating to Signs on School Buses." (H. P. 734) (L. D. 1038) reported that the same Ought to pass

The Committee on Veterans and Military Affairs on Bill, "An Act Relating to Burial Expenses for Honorably Discharged Soldiers and Sailors." (H. P. 926) (L. D. 1315) reported that the same Ought to pass.

The same Committee on "Resolve for the Purpose of Marking the Unmarked Graves of the Soldiers of the Revolutionary War." (H. P. 302) (L. D. 397) reported that the same Ought to pass

Which reports were severally read and accepted, the bills and resolve read once and tomorrow assigned for second reading.

Ought to Pass—as Amended

The Committee on Legal Affairs on Bill, "An Act Providing for Single Tax Assessor and Board of Assessment Review for City of Waterville." (H. P. 946) (L. D. 1339) reported that the same Ought to pass as Amended by Committee Amendment A (Filing 255)

Which report was read and accepted in concurrence and the bill read once. Committee Amendment A was read and adopted in concurrence, and the bill as so amended was tomorrow assigned for second reading.

Majority—ONTP Minority—OTP

The Majority of the Committee on Constitutional Amendments on "Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years." (H. P. 48) (L. D. 76) reported that the same Ought not to pass

(Signed)

Senators:

BUTLER of Franklin
WYMAN of Washington
HURLEY of Kennebec
LORD of Cumberland
WOODCOCK of Penobscot

Representatives:

BRODERICK of Portland
BEYER of Cape Elizabeth
HANCOCK of York
TEVANIAN of Portland
EARLES

of South Portland
BROWNE of Bangor
WALKER of Auburn
CURTIS of Bowdoinham
EMMONS of Kennebunk

The Minority of the same Committee on the same subject matter, reported that the resolve Ought to pass

(Signed)

Representative:

BEANE of Augusta

Comes from the House, reports and resolve Indefinitely postponed.

In the Senate, on motion by Mr. Butler of Franklin, reports and resolve Indefinitely postponed in concurrence.

Majority—ONTP Minority—OTP

The Majority of the Committee on Education on Bill, "An Act to Discontinue Fort Kent State Normal School and to Use the Buildings for Other Educational Purposes." (H. P. 937) (L. D. 1330) reported that the same Ought not to pass.

(Signed)

Senators:

LOW of Knox
DOW of Lincoln
CURTIS of Cumberland

Representatives:

FULLER of South Portland
MANN of Paris
CORMIER of Rumford

The Minority of the same Committee on the same subject matter, reported that the bill Ought to pass.

(Signed)

Representatives:

LaCASCE of Fryeburg
MATHIESON of Montville
CARTER of Newport
MAYNARD of Portland

Comes from the House, recommit-
ted to the Committee on Education.

In the Senate, on motion by Mr.
Low of Knox, the Majority ought
not to pass report was accepted in
non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair at
this time notes in the gallery a
group of students from Farming-
ton High School under the leader-
ship of Robert L. Greenleaf of the
History Department. We welcome
you here this morning and we will
dedicate the rest of the day to mak-
ing this visit a happy one and a
worthwhile one. We hope that while
you are here seeing both branches
of the legislature in session, that a
few of you will aspire to participa-
tion in state government. Thank
you for coming and we hope that
you have a fine day.

Majority—OTP Minority—ONTP

The Majority of the Committee on
Education on Bill, "An Act Relating
to Salaries of Superintendents of
Schools." (H. P. 639) (L. D. 906)
reported that the same Ought to
pass.

(Signed)

Senators:

DOW of Lincoln
CURTIS of Cumberland

Representatives:

FULLER of South Portland
MANN of Paris
MAYNARD of Portland
LaCASCE of Fryeburg
MATHIESON of Montville
CORMIER of Rumford
CARTER of Newport

The Minority of the same Com-
mittee on the same subject mat-
ter, reported that the bill Ought not
to pass.

(Signed)

Senator:

LOW of Knox

Comes from the House, Majority
Report accepted and the bill passed
to be engrossed.

In the Senate:

Mr. CURTIS of Cumberland: Mr.
President, I move that the bill and
accompanying papers be laid upon
the table.

Mr. LOW of Knox: Mr. President,
I ask for a division.

A division of the Senate was had.

Twelve having voted in the affirm-
ative and nineteen opposed, the
motion did not prevail.

Mr. LOW of Knox: Mr. President
and members of the Senate, I am
against this bill because I do not
think that the superintendents sal-
aries are a state problem. To be
sure they make out some reports to
the Department of Education but so
does practically everybody else in
any kind of government in the State
of Maine. Since 1951 we have in-
creased town subsidies from four
million dollars to over ten million
dollars and it seems to me with this
much help any town could be ex-
pected to take care of its own prob-
lems in regard to superintendents'
salaries but I think it is well to
look into the history of salaries paid
to the superintendents of the school
unions.

In the first place, the superintend-
ents receive their respective salar-
ies from two sources. The major
portion of their salaries come from
the communities within the school
unions and the remainder comes
from a flat \$1350 per year paid by
the state directly to the superintend-
ent.

Sometime before 1916 more than
40 years ago, the subsidy for super-
intendents was established at \$800 a
year. In 1927, or 30 years ago, the
State subsidy was increased to \$1200
per year and in 1947 it was raised to
\$1350, where it has since remained.

So far as I know, the only serious
consideration given to any major
change in the last 30 years has been
the action of Governor Payne, prior
to the 1951 session, when he attempt-
ed to consolidate the many, many
school subsidy laws into one law,
then proposed and later enacted as
the General Purpose Subsidy Law.
In his recommendations, he included
the superintendents subsidy as one
that should in the general subsidy

provision and the old law be repealed, but as finally enacted the General Subsidy Law eliminated the many other subsidy laws but retained this \$1350 per year for the school superintendents.

When the Legislative Research Committee, working with Mr. Jacobs, attempted to again re-write a subsidy law, all concerned saw merit in again attempting to absorb this special subsidy into the new subsidy law, but again the superintendents were unhappy and no attempt was made to repeal this special treatment, leaving it at \$1350 and it is this figure that was provided for in the budget and in the appropriation measure reported by the Appropriation Committee.

So now we have before us a bill that would increase these subsidies by \$900 per superintendent. The total increased yearly cost is about \$105,000 for the 116 superintendents, or a boost from a subsidy cost of \$156,600 to \$261,000.

Our first concern is to look at the record and see just how the school superintendents have fared in salary gains. Out of a total of 116, only 6 of them receive less than \$5,000 per year; another 36 are in the \$5,000 to \$6,000 category; 43 receive from \$6,000 to \$7,000; 20 receive from \$7,000 to \$8,000 and 11 of them are in the \$8,000 to \$9,000 category—with the average coming out to \$6,336.

We should also look at the record and see what the record discloses with respect to wage improvements. I would remind you that all of these wage improvements have been made by the towns with the State subsidies remaining fixed at \$1200 per year. Since 1951 the tabulation is this:

In 1951, and I now treat with averages, the average yearly salary of the superintendent was \$4,782; in 1952, it was \$5,026; in 1953 it was \$5,136; in 1954, \$5,762; in 1955, \$6,141 and as of the last year stood at \$6,336. So in summary, 1951-1956 the school superintendents have, on their own, earned wage improvements totaling 31 per cent.

During this same period, the legislature has enacted general wage increases to State employees, totaling a little less than 10 per cent,

but I recognize that there have been special conditions in State services where wage increases, to the nursing service for instance, have been more than 10 per cent so that while the over-all average has been a little in excess of the 10 per cent, we have granted to no State employee any wage increase even approaching the 31 per cent recorded by the superintendents group.

To be more specific, let's look at a few groups of state employees. We have about 25 state employees in the deputy commissioner level. In 1951, the Deputy Commissioner group averaged \$5,564 per year; today this same group receives \$6,084—an increase of \$520 or less than 10 per cent.

To be more specific, let's take the Division Chiefs in the Department of Agriculture. In 1951, the average yearly wage was \$5,824—today it is \$6,344, or an increase of \$520 and well under 10 per cent.

Right within the Department of Education, itself, the Director of Vocational Rehabilitation has been upgraded in order to find a qualified person to fill the job. In 1951, the job paid \$5,096 and today we are paying \$6,084, so that in spite of the upgrading that job has still had wage improvements far less than what is already been recorded for the superintendents and is now at a level well under the average superintendent, which is \$6,336.

I could go through other branches of state service within and without the Department of Education.

If this legislature grants this wage boost, you are going to have, as an example—at least 10 superintendents earning substantially more than your Commissioner of Education. You are going to have at least 30 superintendents earning substantially more than many department heads, here in the state house, and all of this group will be earning much more than the Presidents of the Teachers Colleges at Farmington and Gorham.

Just take the 31 superintendents that now average about \$8000 a year, boost them to \$9100 or \$9200, and you can be sure that the towns will add more than \$200—they have averaged more than \$300 each year since 1951. You have these people

well above the Adjutant General, Aeronautics Commission Director, Commissioner of Agriculture, Attorney General, State Auditor, Bank Commission, Commission of Education, Employment Security Commission, State Controller, Industrial Accident Commission, Fish and Game Commissioner, Insurance Commissioner, Sam Slosberg, State Police Chief, Sea and Shore Commissioner, Secretary of State, etc.

In summary, if we have any sense of equity and justice and if we want to accept any responsibility for maintaining a sense of fairness in the relationship that exists within the employee group, we should look at the school superintendents and conclude that their wage improvements have been very, very substantial. They have pulled themselves, very likely with good justification, away from substantially every other state job, and to grant this thing would create gross inequities, justifiable dissatisfaction at every level of government service in the State of Maine.

I particularly point out the feeling of the University of Maine Full Professor, who will look with concern upon the superintendent of a school unit being paid a salary equal to or in excess of the salary permitted in our State University. I view with particular alarm any wage program in any wage system that by indirect subsidy grants taxpayer dollars in such a way as to be so grossly unfair to other employees in the same or similar governmental units supported by the same tax-paying citizens.

Mr. President, I move that the Senate accept the Minority ought not to pass report of the committee.

Mr. CURTIS of Cumberland: Mr. President and fellow Senators, I rise in defense of the majority members of the Education Committee in support of the majority position that this ought to pass. In the first place, I think that we must look at our over all education problems in Maine and realizing as I know you do, that we have many of them, the superintendents are perhaps just part of the over all problem, but I and the rest of the Committee members felt that it was a very vital problem.

Superintendents if anything are the key to the success of our new educational program as envisioned in the Sinclair bill. They will be called upon to do a great deal of the work in carrying out the provisions of the bill. They are perhaps the most important segment of the entire concept for the superintendents in the school unions which have combined, must carry out the duties and the provisions of this bill. We have for a long time recognized the great efficiency we have in teachers in Maine and we have taken steps to do something about it and there were those, when we first began to talk about minimum salaries and strengthening the salary position of teachers, who said that was not a position for state government to take. It was a matter for the teachers and the school systems to take care of and the local communities. And we know that our Constitution states very firmly that the responsibility of education will be with the towns and the cities and not with the state and yet we are more and more shifting our position, primarily because of need. We have found that it is necessary for the state to step in. Now, superintendents are just as necessary as teachers if we are to keep the plant going and I am inclined to feel that if you rate them that way, superintendents are even more important and yet nowhere in the Sinclair bill are the superintendents taken care of so far as salaries are concerned, and this bill was put in to overcome that. The superintendents duties have increased tremendously in the past few years and we have had superintendent after superintendent parade before the committee to tell us that it was pretty much a full time job seven days a week, and many were operating with very little revenue and very little help, some without even a secretary and offices. We find we have an average of \$6336 for one of the most important men in our school system. I don't consider this as being adequate in relationship to other scales.

If we want to use comparative salaries, we can use all kinds of instances including the Governor who is underpaid in relationship to many of his department heads who should

be working under him. Many comparable jobs in industry are commanding twice this six thousand dollar salary. I feel that we must do something if we are to get the kind of men we need in our school system and taking over the kind of responsibilities that fall on a superintendent's shoulders.

Those men are hard to come by and we are losing some of our superintendents to other states because our pay is too small, and I think it might be interesting if we had a comparative chart of superintendents pay in other states. We use that with teachers but we don't necessarily use it with superintendents. I think it might be an eye opener because from what I understand, most states pay a great deal more than this for their superintendents and we have lost quite a few of our top superintendents to other states.

Let us see what this bill really does. This bill is not necessarily a wage boost at all. The towns can drop their share; they don't need to maintain the portion of the salary they are paying now if they don't want to. As soon as this goes into effect it raises the state's share \$900. The towns can drop their share \$900 if they wish. It does not guarantee the superintendent a raise. The only guarantee to the superintendent is that he will receive his check from the state on time and it is something he can plan on. That gentleman, is an argument that was heard many times by the committee, that these superintendents are hired in many cases, by many school districts or towns and there are six, seven or eight towns involved and the checks are sometimes a little hard to come by. They come spasmodically and erratically and we find the superintendent sometimes with only his state check which he can be sure of receiving. It was their feeling that in line with the general increase of interest financially and otherwise by the state in the local communities problems of education, that the superintendents should be considered and taken care of and that is why this bill was put in and that is why the Majority of the Committee, nine of its members, supported this particular measure. If it goes through it will mean that the superintend-

ents will get instead of \$1350 per year, \$2250 per year from the state and his check will come definitely every month, and the communities may either raise or lower them so far as their share is concerned.

I would like to use the same analysis to this as to the teacher problem. It is not a question as to whether they are overpaid or underpaid, nearly so much as it is a question of the competitive market where if we are to attract and hold the kind of superintendents we want, we must pay them fairly for it and I think that this is an area that the state must be concerned with. The subsidy of \$1350 is already an indication of the state's interest and responsibility and in line with increases all along the line for everything else, I think this is the least we can do to strengthen one of the most vital parts of our educational system in Maine.

And so, I hope that you will not concur with the motion before you to accept the Minority ought not to pass report but will see fit to go along with the majority of the members of the education committee and the superintendents of our state in furthering educational progress in Maine.

Mr. FARLEY of York: Mr. President and members of the Senate, in principle I have always voted with the majority of the members of any committee report, but in order to get the record straight, I will refer back to the Senator from Cumberland County and say that not all of our superintendents are behind the Jacobs bill. I received a letter Saturday from the York County superintendents and they are utterly opposed to the Jacobs bill so much so that they want to see another research for three years. To me, as an average layman, it is wicked. I think the Jacobs bill has got something and I would think that the superintendents of schools in the state of Maine as well as the average layman would want to see every child in these towns receive a better education all the way round.

It is on the strength of that that I am going to vote with the Senator from Knox County, Senator Low.

Mr. DOW of Lincoln: Mr. President and members of the Senate,

I stand here only to defend my own position and I hope that the Senator from Knox, Senator Low, by his service on the education committee is not becoming allergic to superintendents. As a signer of the majority report, I feel that the Jacobs bill and the Jacobs report have advanced education in every respect except for the superintendent. He seems to be the forgotten man. The Senator from Knox, Senator Low, has stated that he does not believe that the superintendents salaries should become a state problem, but I remind you that it has been a state problem now for several years. Towns are quite reluctant in many cases to improve the salaries of their superintendents and as has been stated by Senator Curtis of Cumberland, much of the money at different times of the year comes only from that received from the state. I don't think we can compare the time and work that superintendents put in with managing five or six or seven towns, with the time and work put in by college professors or even state department heads. I think they do a great deal more. They are out about every night in the week with PTA and school committee meetings and education meetings in general. I think the superintendent is the spark plug of the whole education program on the local level and I hope that the motion before you does not prevail.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I rise in support of the motion of the Senator from Knox, Senator Low. I recognize very strongly the need of good superintendents in the State of Maine. I think they should become the leaders in education. This bill has come before the Appropriations Committee in years past and it has been felt by the committee that this particular job is a local problem. The superintendents devote ninety percent of their time to the local schools and it is a local responsibility. They do not work for the state although it has been stated they do have to work with the department of Education in submitting reports and so forth. I would like to point out or emphasize what the Senator from Knox, Senator Low has said when he spoke

of the inequities in regard to the salary adjustments for superintendents. I have no quarrel with the salaries. I would like to see them get just as much salary as possible but we have talked in the past when talking about salaries of state employees, of 4½ per cent merit increase or 5 per cent across the board. This particular bill would increase the salaries of superintendents by better than 67 per cent. If the superintendents are state employees, which I do not feel they are, but if they were, we would be increasing their salaries by 66 2-3 per cent or more. I think that would create a great deal of inequity so far as state employees are concerned. I will go along with the Senator from Knox, Senator Low.

Mr. LOW of Knox: Mr. President, a good deal has been made in committee and here today on the fact that the only check that the superintendent can receive on time is a state check. I would like to point out that under the new education bill, the superintendent will be the treasurer of the administrative unit and if he does not get his check on time, it will be his own fault.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Knox, Senator Low, to accept the minority ought not to pass report of the committee.

Mr. LOW of Knox: Mr. President, I ask for a division.

A division of the Senate was had.

Twenty-three having voted in the affirmative and seven opposed, the motion prevailed and the ought not to pass report was accepted, in non-concurrence.

Sent down for concurrence.

Majority—OTP in N. D. Minority—ONTF

The Majority of the Committee on Inland Fisheries and Game on recommended "Resolve Relating to Open Water Fishing Season in Certain Waters in Androscoggin County." (H. P. 541) (L. D. 768) reported same in New Draft (H. P. 1063) (L. D. 1521) under same title, and that it Ought to pass

(Signed)

Senator:

HALL of York

Representatives:

CARVILLE of Eustis
 ROSS of Brownville
 BARTLETT of Belgrade
 WHEATON of Princeton
 HARRIS of Greenville
 DUDLEY of Enfield

The Minority of the same Committee on the same subject matter, reported that the resolve Ought not to pass

(Signed)

Senators:

CARPENTER of Somerset
 BRIGGS of Aroostook

Representative:

HARRIMAN of Lovell

Comes from the House, Majority Report accepted, and the resolve in New Draft, passed to be engrossed.

In the Senate, on motion by Mr. Carpenter of Somerset, tabled pending consideration of the reports.

Majority—OTP**Minority—ONTP**

The Majority of the Committee on Natural Resources on "Resolve Authorizing the Forest commissioner to Convey Loon Island to Mrs. Anna Fowler and Julius Peterson." (H. P. 140) (L. D. 178) reported that same Ought to pass

(Signed)

Senators:

BUTLER of Franklin
 FERGUSON of Oxford
 FARLEY of York

Representatives:

WILLIAMS of Hodgdon
 MORRILL of Harrison
 HEALD of Union
 JALBERT of Lewiston

The Minority of the same Committee on the same subject matter, reported that the resolve Ought not to pass

(Signed)

Representatives:

BREWER of Caribou
 SAUNDERS of Bethel
 BURNHAM of Kittery

Comes from the House, Majority Report accepted and the resolve passed to be engrossed.

In the Senate, on motion by Mr. Butler of Franklin, the Majority report was accepted in concurrence, the resolve read once and tomorrow assigned for second reading.

**Senate Committee Reports
Ought not to Pass**

Mr. Lessard from the Committee on State Government on Bill, "An Act Relating to Powers and Duties of State Board of Barbers and Hairdressers." (S. P. 457) (L. D. 1305) reported that the same Ought not to pass

(On motion by Mr. Wyman of Washington, tabled pending consideration of the report.)

Mr. Pike from the same Committee on Bill, "An Act Transferring School for the Deaf from Department of Institutional Service to Department of Education." (S. P. 535) (L. D. 1506) reported that the same Ought not to pass

Mrs. Lord from the Committee on Towns and Counties on Bill, "An Act Relating to Fees of Deputy Sheriffs in Attendance at Court." (S. P. 317) (L. D. 814) reported that the same Ought not to pass

(On motion by Mr. Woodcock of Penobscot, tabled pending consideration of the report.)

Which reports were severally read and accepted.

Sent down for concurrence.

The PRESIDENT: The Chair at this time notes the presence in the Senate of a group from Westbrook Junior College, a class in American Government headed by Mr. Hugh McFarland. We hope you have a fine day and everyone of us will dedicate the day to making your visit a happy one. Thank you very much for coming.

Mr. Hillman from the Committee on Labor on Bill, "An Act to Clarify the Employment Security Law." (S. P. 419) (L. D. 1178) reported that the same Ought to pass as amended by Committee Amendment A

(On motion by Mr. Hillman of Penobscot, tabled pending consideration of the report.)

Mr. Rogerson from the Committee on State Government on Bill, "An Act Relating to the Use of Public Ways and Parking Areas Maintained by the State at the Seat of Government." (S. P. 148) (L. D. 348) reported that the same Ought to pass as Amended by Committee Amendment A

Mr. Pike from the same Committee on Bill, "An Act to Create a State Committee on Mental Health." (S. P. 534) (L. D. 1505) reported that the same Ought to pass as Amended by Committee Amendment A

Mr. Pike from the same Committee on Bill, "An Act Relating to Construction of a Building for Maine Employment Security Commission." (S. P. 538) (L.D. 1508) reported that the same Ought to pass as Amended by Committee Amendment A

Which reports were severally read and accepted and the bills read once. Committee Amendments A were read and adopted and the bills as so amended were tomorrow assigned for second reading.

Ought to Pass in Consolidated Bill

Mr. Wyman from the Committee on Towns and Counties, in accordance with Joint Order (S. P. 526), reported "numerous bills related to salaries and clerk hire of municipal courts" in Consolidated Bill under title of: Bill, "An Act Relative to Salaries and Clerk Hire of Municipal Courts." (S. P. 547) and that it Ought to pass

Which report was read and accepted, the bill read once and tomorrow assigned for second reading.

Report A—OTP as Amended Report B—OTP in N. D. Report C—ONTP

Two members of the Committee on Constitutional Amendments on "Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council." (S. P. 95) (L. D. 225) reported (Report A) that same Ought to pass with Committee Amendment A.

(Signed)

Senators:

WYMAN of Washington
WOODCOCK of Penobscot

Six members of the same Committee on the same subject matter, reported (Report B) the resolve in a New Draft (S. P. 548) (L. D. 1535)

under same Title, and that it Ought to pass.

(Signed)

Senator:

HURLEY of Kennebec

Representatives:

EARLES of South Portland
TEVANIAN of Portland
BEANE of Augusta
HANCOCK of York
BRODERICK of Portland

Seven members of the same Committee on the same subject matter, reported (Report C) that the resolve Ought not to pass

(Signed)

Senators:

BUTLER of Franklin
LORD of Cumberland

Representatives:

BROWNE of Bangor
WALKER of Auburn
BEYER of Cape Elizabeth
EMMONS of Kennebunk
CURTIS of Bowdoinham

Mr. BUTLER of Franklin: Mr. President and members of the Senate, Report A, ought to pass as amended, simply provides that the members of the Governor's Council should be elected by popular election in the County from which that councillor comes for that particular term. To illustrate in using my own district of Franklin, Sagadahoc and Androscoggin. Report A would provide that the Councillor from that district should be elected at this time and having been chosen from Franklin County would have been placed in popular election by the inhabitants of the County of Franklin.

Report B ought to pass in new draft provides for popular election of that Councillor to be voted upon by the entire electorate of that district. Putting this into application, a Councillor from Franklin County, if this were in effect, would have been up for popular election by not only the County of Franklin, but also the counties of Androscoggin and Sagadahoc.

Report C is simply ought not to pass either for popular election in one district as provided for under report A or election as provided for under report B. I move that the Senate accept Report C ought not to pass and when the vote is taken I ask for a division.

Mr. BOUCHER of Androscoggin: Mr. President I move that the bill lie on the table.

Mr. BUTLER: Mr. President I ask for a division on the motion to table.

A division of the Senate was had.

Obviously a sufficient number having risen, the bill was laid upon the table pending the motion of Senator Butler of Franklin that the Senate accept Report C.

Mr. BUTLER of Franklin: Mr. President, may I inquire of the Senator from Androscoggin, Senator Boucher, if he would be willing to set a definite time.

The PRESIDENT: The Chair would note that the Senator is out of order, the Senate having voted to table the bill unassigned.

Majority — ONTP

Minority — OTP

The Majority of the Committee on Constitutional Amendments on "Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms." (S. P. 482) (L. D. 1387) reported that the same Ought not to pass.

(Signed)

Senators:

BUTLER of Franklin
LORD of Cumberland

Representatives:

HANCOCK of York
BROWNE of Bangor
EARLES of South Portland
WALKER of Auburn
BRODERICK of Portland
BEANE of Augusta
BEYER of Cape Elizabeth
EMMONS of Kennebunk
CURTIS of Bowdoinham

The Minority of the same Committee on the same subject matter, reported that the resolve Ought to pass

(Signed)

Senators:

HURLEY of Kennebec
WYMAN of Washington

Representative

TEVANIAN of Portland

Mr. BUTLER of Franklin: Mr. President, I move that the Ought not to pass Majority report be accepted.

A viva voce vote being doubted by the Chair

A division of the Senate was had.

Twenty-three having voted in the affirmative and six opposed, the motion prevailed and the Majority Ought not to pass report was accepted.

Sent down for concurrence.

Majority — ONTP

Minority — OTP as Amended

The Majority of the Committee on Constitutional Amendments on "Resolve Proposing an Amendment to the Constitution for Appointment of Secretary of State by the Governor with Consent of the Council." (S. P. 417) (L. D. 1176) reported that the same Ought not to pass.

(Signed)

Senators:

BUTLER of Franklin
WYMAN of Washington
LORD of Cumberland
WOODCOCK of Penobscot
HURLEY of Kennebec

Representatives:

BEYER of Cape Elizabeth
WALKER of Auburn
HANCOCK of York
BROWNE of Bangor
CURTIS of Bowdoinham
EARLES of South Portland
EMMONS of Kennebunk

The Minority of the same Committee on the same subject matter, reported that the resolve Ought to pass With Committee Amendment A.

(Signed)

Representatives:

BEANE of Augusta
TEVANIAN of Portland
BRODERICK of Portland

On motion by Mr. Farley of York, tabled pending consideration of the reports.

Majority—ONTP

Minority—OTP—as Amended

The Majority of the Committee on Constitutional Amendments on "Resolve Proposing an Amendment to the Constitution Providing for Limited Even-Year Budget Sessions of the Legislature." (S. P. 427) (L. D.

1210) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington
BUTLER of Franklin
HURLEY of Kennebec
LORD of Cumberland
WOODCOCK of Penobscot

Representatives:

BEYER of Cape Elizabeth
BROWNE of Bangor
WALKER of Auburn
CURTIS of Bowdoinham
EARLES of South Portland
HANCOCK of York
EMMONS of Kennebunk

The Minority of the same Committee on the same subject matter, reported that the resolve Ought to Pass with Committee Amendment A.

(Signed)

Representatives:

BEANE of Augusta
TEVANIAN of Portland
BRODERICK of Portland

Mr. CHARLES of Cumberland: Mr. President, I move that this resolve be tabled.

Mr. BUTLER of Franklin: Mr. President, I would inquire if the Senator from Cumberland, Senator Charles, would be willing to assign this to a special date.

Thereupon, on motion by Mr. Charles of Cumberland, the resolve was laid upon the table and especially assigned for Tuesday next.

Majority—ONTP

Minority—OTP in N.D.

The Majority of the Committee on Labor on Bill, "An Act Relating to Claims for Compensation for Hernia." (S. P. 258) (L. D. 698) reported that the same Ought Not to Pass.

(Signed)

Senators:

HILLMAN of Penobscot
CURTIS of Cumberland

Representatives:

HANSCOMB
of South Portland
ROSS of Bath
EMMONS of Kennebunk
LETOURNEAU of Sanford
WINCHENPAW
of Friendship

The Minority of the same Committee on the same subject matter, reported same in New Draft (S. P. 549), under new title: "An Act Relating to Claims for Compensation for Inguinal Hernia," and that it Ought to Pass.

(Signed)

Senator

ST. PIERRE

of Androscoggin

Representatives

SMITH of Portland

KARKOS of Lisbon Falls

On motion by Mr. Curtis of Cumberland, the Majority Report ought not to pass was accepted.

Sent down for concurrence.

Majority — OTP — N. D.

Minority — ONTP

The Majority of the Committee on Transportation on Bill, "An Act Relating to Lights on Rear of trucks." (S. P. 452) (L. D. 1270) reported same in New Draft (S. P. 546) (L. D. 1532) under the Same Title, and that it Ought to pass

(Signed)

Senators:

COLE of Waldo
ROGERSON of Aroostook
HALL of York

Representatives:

BEYER of Cape Elizabeth
ALLEN of Chelsea
KELLY of Rumford
JACQUES of Lewiston
STILPHEN of Rockland
TOTMAN of Bangor

The Minority of the same Committee on the same subject matter, reported that the bill Ought not to pass

(Signed)

Representative

HERSEY of Fort Fairfield

On motion by Mr. Cole of Waldo, the Majority Report ought to pass in new draft was accepted, the bill read once and tomorrow assigned for second reading.

Second Readers

The Committee on Bills in Second Reading, reported the following bills and resolves:

House

Bill, "An Act Relating to Taking of Shellfish in Yarmouth and North Yarmouth." (H. P. 485) (L. D. 675)

Bill, "An Act Relating to Digging Clams in Kennebunkport, York County." (H. P. 523) (L. D. 723)

Bill, "An Act Relating to the Taking and Sale of Clams in the Town of Rockport." (H. P. 551) (L. D. 778)

Bill, "An Act Relating to Digging Clams, Quahogs and Mussels in Town of Yarmouth, Cumberland County." (H. P. 571) (L. D. 881)

Bill, "An Act Relating to Penalty for Violation of Interstate Transportation of Shellfish." (H. P. 791) (L. D. 1124)

Bill, "An Act Relating to Wholesale Sea Food Dealer's and Processor's License." (H. P. 792) (L. D. 1125)

Bill, "An Act Regulating Fishing for Tuna." (H. P. 839) (L. D. 1193)

Bill, "An Act Relating to Sale of Lobster Meat Received from Outside the State." (H. P. 909) (L. D. 1298)

Bill, "An Act to Create a Public Body in the City of Bangor to be Known as the Urban Renewal Authority." (H. P. 1003) (L. D. 1437)

Bill, "An Act Regulating Taking of Alewives in the Town of Mount Desert." (H. P. 1060) (L. D. 1515)

Bill, "An Act Relating to the Operation of Bicycles." (H. P. 1062) (L. D. 1517)

Resolve Regulating the Taking of Clams in Steuben." (H. P. 443) (L. D. 619)

Which were severally read a second time and passed to be engrossed in concurrence.

House—as Amended

Bill, "An Act Creating the Maine Commercial Feed Law." (H. P. 254) (L. D. 352)

Bill, "An Act Prohibiting Certain Implements and Devices in Certain Waters in Washington County." (H. P. 769) (L. D. 1102)

Bill, "An Act Increasing Salaries of Judge and Recorder of the York-shire Municipal Court." (H. P. 862) (L. D. 1225)

"Resolve Regulating Digging of Quahogs in Middle Bay, Cumberland County." (H. P. 517) (L. D. 727)

Which were severally read a second time and passed to be engrossed, as amended, in concurrence.

Senate

Bill, "An Act Increasing Certain Fees of Sheriffs and Their Deputies." (S. P. 226) (L. D. 569)

Bill, "An Act Repealing Law Requiring Convicts to Give Notes for Fines and Costs." (S. P. 403) (L. D. 1099)

Bill, "An Act Relating to Registration Fees on Certain Commercial Vehicles." (S. P. 544) (L. D. 1526)

"Resolve Authorizing the State Highway Commission to Make Study of Public Ways of the State." (S. P. 545) (L. D. 1531)

(On motion by Mr. Cole of Waldo, tabled pending passage to be engrossed.)

Which were severally read a second time and passed to be engrossed.

Sent down for concurrence.

Senate—as Amended

Bill, "An Act to Correct Inconsistencies in State Prison Sentences." (S. P. 201) (L. D. 546)

Bill, "An Act Relating to Compensation for Eye Impairment Under Workmen's Compensation Act." (S. P. 284) (L. D. 743)

Bill, "An Act Clarifying the Outdoor Advertising Law." (S. P. 418) (L. D. 1177)

Which were severally read a second time and passed to be engrossed, as amended.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as strictly and truly Engrossed the following Bills:

Bill, "An Act Relating to Assessments Against Lots Benefited by Waterville Sewerage District." (H. P. 481) (L. D. 687)

Bill, "An Act Creating the Lake Christopher Game Management Area, Oxford County." (H. P. 504) (L. D. 714)

(On motion by Mr. Martin of Kennebec, tabled pending passage to be enacted.)

Bill, "An Act to Incorporate the Topsham Sewer District." (H. P. 569) (L. D. 879)

Bill, "An Act Providing for a Tax on Quahogs." (H. P. 861) (L. D. 1224)

(On motion by Mr. Sinclair of Somerset, tabled pending passage to be enacted.)

Bill, "An Act Relating to Leave of Absence from Work for Certain Employees While in Temporary military Training." (S. P. 488) (L. D. 1396)

Which bills were severally passed to be enacted.

Emergency

Bill, "An Act Relating to Age of Admission to State Hospitals." (H. P. 1048) (L. D. 1490)

Which bill, being an Emergency Measure, and having received the affirmative vote of 30 members of the Senate was passed to be enacted.

Bill, "An Act Relating to Bail Provisions in Prosecutions Under Liquor Law." (H. P. 940) (L. D. 1333)

Bill, "An Act Clarifying Procedure Relating to Reconstructing or Altering Railroad Crossings." (H. P. 2049) (L. D. 1492)

(On motion by Mr. Sinclair of Somerset, tabled pending passage to be enacted.)

Bill, "An Act Relating to Beano." (H. P. 1051) (L. D. 1494)

Bill, "An Act Relating to Computation of Tax on Telegraph Companies." (H. P. 1052) (L. D. 1495)

(On motion by Mr. Sinclair of Somerset, tabled pending passage to be enacted.)

Orders of the Day

On motion by Mr. Bailey of Sagadahoc, the Senate voted to take from the table Senate Report ought not to pass from the Committee on Claims on "Resolve in Favor of Ray Campbell of Phippsburg" (S. P. 407) (L. D. 1140) tabled by that Senator on March 19 pending consideration of the report; and on further motion by the same Senator, the ought not to pass report was accepted.

Sent down for concurrence.

Mr. FARLEY of York was granted unanimous consent to address the Senate:

Mr. FARLEY: Mr. President and members of the Senate: In defense of my health I just want to pass on a few remarks. The majority floor leader — pardon me, that is the first time that it has been used this year — last Friday asked all committees to clean up all their work this week so that we can get somewhere and get some of these matters from the table. It has been my experience in being here since 1949, and it is something that I dislike immensely, coming in here the last day and staying from nine o'clock in the morning until three o'clock the next morning before we finish our business. I would like to ask through the Chair that our majority floor leader see what he can do to get us out of here on time, and even if we have to come back here another day finish up our business in this honorable body in an orderly manner. Thank you.

Mr. Low of Knox was granted unanimous consent to address the Senate.

Mr. LOW: Mr. President and members of the Senate: I am sure that all of the senators will do everything they can to cooperate with the Senator from York, Senator Farley, and certainly I will.

The PRESIDENT: Apropos the remarks of the Senator, the Senate is proceeding under Orders of the Day with sixty-six tabled and unsigned matters.

Mr. CHARLES of Cumberland was granted unanimous consent to address the Senate.

Mr. CHARLES: Mr. President, as Chairman of the Committee on Business Legislation I wish to report that all bills have been reported out, we have no bills outstanding, and apparently we have no further business.

The PRESIDENT: The Chair would note that the Senator may be very fortunate if he does not have some bills recommitted to him.

On motion by Mr. Fournier of York, the Senate voted to take from the table the 37th tabled and un-

assigned matter, (S. P. 283) (L. D. 742) Senate Report: Majority "Ought to pass in New Draft (S. P. 531) (L. D. 1498); Minority, "Ought not to pass," from the Committee on Labor on Bill, "An Act Relating to Equipment of Rail Truck Motorcars Used by Railroad Transport Employees," which was tabled by that Senator on April 18th pending motion of Mr. Pike of Oxford for acceptance of the Majority "Ought to pass" report.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: As a member of the committee who signed the "Ought not to pass" report of the committee on this bill, L. D. 1498, I think it is well that I give you my reasons for doing so.

This is the fourth time this bill, or one similar to it, has been before this Legislature. It has always been defeated, and for good reasons. The arguments for and against remain the same. The proponents urge passage on the grounds that the installation of canopy tops, windshields, and windshield wipers on railtrack motor cars will be in the interests of the safety of the public or railroad employees. This is understandable, since safety is the only basis on which we could properly pass such legislation. The proponents further say that attempts to negotiate this matter between labor and management have been fruitless. I question this very much, because since it was brought before the legislature two years ago many improvements have been had in railroad motor cars, in fact one company in the State of Maine has equipped their cars with canopies, and in negotiation with railroad signalmen have agreed to equip their cars over a period of years, five a year, I believe, so progress has been made.

On the other hand, the opponents contend that the installation of this equipment is not a matter of safety, but of comfort. I believe if it was a matter of safety the Utilities Commission would step into the picture. They have that right at the present time. While on the matter of safety, I will say that the first bill that was presented did not mention any time allowed to equip

cars with canopies, but in the re-writing of the bill the unions agreed to a period of four years to allow the companies to equip these cars. If it is a matter of safety, I cannot see why four years would be allowed, because if you are doing anything for safety purposes you are doing it immediately. Therefore I contend that it is purely a matter of comfort.

The motor cars, often commonly referred to as hand-cars, are mainly used by two groups of railroad employees, the signalmen and the maintenance of way workers. Both travel on these cars in the course of doing their job to various work areas along the track. A crew is assigned a section of track varying in length, and the starting point is usually somewhere in between, so that the length of travel will probably average ten miles. Once at the working point, they work outdoors. They do not work in stormy weather except in emergencies. Clearly it might in some circumstances be more comfortable to travel with tops, but certainly no safer. In case of having to leave a car in a hurry, a top might even present a hazard.

The present existing situation with reference to the equipment listed in this bill is as follows: The Bangor & Aroostook Railroad has equipped all of its track cars with tops, windshields, and wipers in the last three or four years. The Boston & Maine Railroad had equipped half of its cars. Over a year ago, the Maine Central Railroad entered into a labor-management agreement with the signalmen to equip their cars over a period of years. I have a copy of this contract right here. They offered in writing to make a similar agreement with reference to the approximately two hundred cars operated by the maintenance of way people. This offer was not accepted, and in last Saturday's Portland Press Herald is a piece and a picture showing the type of canopy to be erected on these cars.

This is still clearly the same labor-management problem as ever, one in which legislation should not interfere, particularly unnecessary legislation. The best proof of this is that the problem has practically solved itself as a result of labor-

management cooperation. There is far less need now for this bill than there was when its passage was refused in three prior sessions. In fact, there is no need for it at all. I therefore trust that the motion before the Senate made by the Senator from Oxford, Senator Pike, will not be accepted.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Pike, that the Senate accept the majority "Ought to pass" report of the committee.

Mr. CURTIS of Cumberland: Mr. President and members of the Senate: I am sure that most of you are very familiar with this bill and what it proposes to do.

I would like to start out by saying that I have the utmost respect for the Senator from Penobscot, Senator Hillman, and I know that he is operating in line with his principles and what he feels is fair and right, and I certainly respect him for it and I say that he has that right. However, I would like to point out a few things that have come to my attention since I first became concerned with the bill.

In the first place, I am intimately connected with the problem because a member of my family operates one of these cars and has for some thirty or thirty-five years, so I know whereof I speak and what the conditions are.

As the good Senator from Penobscot, Senator Hillman, has stated, this is the fourth time this bill or a bill similar to it has been presented to the Legislature, and each time some progress, as he says, has been made. I do not know how many more times it will be necessary to present the bill to get the fact accomplished, but it might take some twenty or thirty years at this rate; and as far as getting it done, I think this bill with its four-year limitation is realistic in view of the cost and the impact on the railroads.

Now the bill, as you know, just provides that suitable coverings, windshield and hand windshield wipers be put on the track cars operated on the railroads operating in or through this State. It is, in my opinion, very definitely a safety measure, although it has been termed by the railroads as a comfort

measure and therefore one to be opposed. I am not sure whether we should take the position we are against the comfort of working people or not; it might not be a very healthy position for us to take, in view of our responsibility.

But, seriously, these cars are operated on the rail tracks daily and in times of emergency. Great groups of these cars are called out any time of night or day when something happens on the railroad that could cause accidents or wrecks.

Incidentally, these cars have been termed by the Supreme Court as proper locomotives, for in many respects that is exactly what they are. Yet they operate without train orders, which means they have to go out and go up and down the track without the protection of being scheduled by the regular scheduling device that the railroads use; and many is the time when a man or a group of men have been riding on these cars and have found themselves on the track in bad weather unable to see the signals and having a locomotive or a train come upon them and having to jump. In some cases lives have been lost and these track motor cars have been wrecked. In my own family that has happened twice, with my father just barely getting out alive. The reason for it is that in snow or driving rain you have no protection whatsoever riding along in the open at fifteen or twenty miles an hour to get the scene of trouble, and you are definitely a hazardous condition on the railroads of the State.

Now this position is so sound that most of the progressive railroads in the state and the nation have adopted these cars. I would like to give you a little background.

The first time, as I understand it, when this bill was proposed, the railroads, who are of course primarily the ones who object to it, said that it would ruin the railroads. That was the first premise. In the second case, it was a comfort matter and not a safety matter, so they said we might as well forget it; and the third case was a matter for labor and management. Many of the legislators decided, and properly so perhaps, that it was a matter for labor and management and yet

nothing happened in two years because they could not get together.

The second time the railroads came in and said that the tops were dangerous, in fact they might be the cause of more accidents. In spite of the fact so many of the railroads were putting the tops on as a safety measure, the railroads in this state still contended that this was a bad measure and that we should not even talk about tops; but if we were going to talk about them, even if they were bad and no good and everything else, it ought to be a matter of labor-management.

The third time they came in they dropped the dangerous proposition; they decided that it was unsafe ground when they found that the Bangor & Aroostook Railroad had already equipped most of their cars with them, because it was rather embarrassing to have to come in and face your own industry and say that members of your industry did not have sense enough to know that they were doing something dangerous. So that was dropped out. I am not saying these things to poke fun at the railroads but to show you the line of reasoning that has gone along with this measure.

It was also very strongly defended as a matter for management and labor; in fact there was a letter written at that time, portions of which I will quote to you. It was written to Senator Reid, Senate Chamber, Augusta, Maine, with a copy to Senator Ralph Farris, Jr., who was Chairman of the Labor Committee at that time. This was from the Assistant to the President, Maine Central Railroad.

"Dear Senator Reid:

I am writing this letter to confirm our conversation in regard to L. D. 356, which deals with equipment of rail track motor cars." And then they go on to say: "You will recall that it is the position of this company that the subject matter of this proposed legislation is properly one for labor-management negotiation. As an indication of the sincerity of our statements and representation before the committee, concerning this bill, I stated to you that if the bill was withdrawn we would meet with the representatives

of our employees and negotiate the matter.

"Although an expression of intent prior to negotiation is contrary to the theory of labor-management relations I did state to you that we would be willing upon request by those concerned to equip the rail track motor cars used by our inspectors and patrol forces with canopy top, windshield and windshield wipers.

"My purpose in writing you at this time is to reaffirm the position of this company as outlined above."

Well, a lot of senators and representatives decided that properly was perhaps a matter for labor-management, and I know of several cases where they said, "Well, go ahead fellows, and if you can't decide it come back and we will make it law."

Negotiations were entered into by the signal maintenance department, which consisted of some thirty or forty cars on the Maine Central Railroad. Incidentally, the Bangor and Aroostook has already done it and the Boston and Maine is beginning to do it. There are other railroads which have not done it, including the Canadian National, and I will read you a letter from the President in just a moment.

Out of that labor-management group meeting the only thing that could come was five cars a year, which might take some five or six years to do, and there were still some two hundred cars completely unnegotiated, and if the same ratio of five cars a year was used it might be some forty years before they got their tops on. And at the hearing the railroads defended their position, in spite of the letter, in saying, "We said that if the bill was withdrawn. It was not withdrawn, it was put into the legislature, and so that cancelled all the agreements in the letter."

We now find ourselves in a situation where lo and behold, the bill was coming off the table Thursday morning, and in the newspapers of the state came a picture, "Track car deluxe," which I take a little exception to, because I wouldn't say there was anything deluxe about it. Incidentally, it goes on to say: "Two hundred section crews of the Maine

Central Railroad will shortly commence to ride under cover on their daily inspection trips." And it goes on to say, "Under the plan the Maine Central is installing aluminum tops, windshields with two safety-glass windows, windshield wipers, electric headlights and tail lights on all cars operated in Maine. The four year plan"—they decided apparently on four years—"equipping two hundred rail motor cars with the new equipment entailing an expenditure of \$40,000."

Apparently they have decided it is a good measure, apparently they have decided that four years is logical, apparently they have decided that it won't put the railroads out of business, if they can afford the forty thousand dollars, and apparently they are in complete agreement with the bill, and yet for some reason or other they do not want the bill on the books. I wonder why? In view of past actions, I would say that it was about time that the bill was put on the books.

Now let's look at the record of other states and find out what is being done. At the present time twenty-eight states have had this bill for some time, running all the way from Alabama, Arizona, Arkansas, Oklahoma, Georgia, Florida, Iowa and so on to Massachusetts and Vermont. Now this year four more states have already adopted this exact legislation. I saw in the Portland Express of Thursday, April 11th, "Oklahoma City. Governor Raymond Gerry signed into law a bill requiring railroad track motor cars to have tops and electric windshield wipers." "Indiana adopts the track car bill." Illinois has adopted the bill, and there is a very interesting article about Wyoming, which adopted the bill this year, and I would like to read parts of that to you because I think it is quite pertinent to the point.

"The State Legislature of Wyoming last month approved legislation which requires the railroads operating in the state to equip track motor cars with tops, windshields, windshield wipers, and head and tail lights. The bill was passed with comfortable margins in both the House and Senate and approved by the Governor on February 14th."

These railroads had blocked passage of a similar bill two years ago, telling the legislature that the matter could be disposed of by negotiations between the railroads and the unions. When they failed to live up to their promise members of the legislature decided that the law should be passed. Support for the measure, in both houses, was widespread and bipartisan." "The measure passed the House by a vote of 42 to 11. In the Senate the vote was nearly unanimous, 25 to one."

Now the Canadian National with their employees operating in the State will use the same kind of track motor cars, and they had this to say to Mr. J. E. Roy, General Chairman, Canadian National Eastern Lines System Federation, Brotherhood of Maintenance of Way Employees in response to an inquiry as to what the railroads would do regarding putting tops on their motor cars:

"With reference to yours of January 11th. regarding standard equipment on motor cars for the State of Maine. The equipment on track motor cars is dependent on the laws of the state in which the motor is being operated. Insofar as motor cars operating in the State of Maine are concerned we, of course, have to abide by the laws of the state of Maine. This we are doing, and you can rest assured we will continue to do so.

Yours very truly,

O. A. Boivin,

General Superintendent.

If it is a law the Canadian National will do it; if it is not a law apparently they will not do it, as this letter states.

Now I would just like to state that it is being heard that this newspaper report constitutes an agreement and that it is binding and that it will be done. Well, I heartily endorse the power of the press and I know how very good they are in making a lot of fine things come about, but I think it is about time that we made this a law. It is a law in thirty-two of the forty-eight states. We have battled this question for some seven years. Let's settle it once and for all. It apparently is unanimously agreed by both sides that it will not destroy the railroads and it will not

do any harm; that in fact it is a necessary part of the equipment of the track motor car. And whereas most of the railroads in the State have already abided by the intent of this bill, I feel it is time that we brought everyone working under the same conditions and with the same equipment under the same set of operating rules, and this would do it. So I urge you very definitely to support the majority of the labor committee and the Senator from Oxford, Senator Pike, in his motion to accept the majority "Ought to pass" report.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate, I sympathize with the Senator from Cumberland, Senator Curtis for the reasons he has given you at the beginning of his talk. I do have to make this comment on his speech. All the things that he has mentioned to you that have happened the past few years should prove that this legislation does not need passage and I wonder if you folks feel that you were sent here as legislators to pass laws like this. I think we have more important work to do and without further debate I will ask for a division on the vote.

Mr. MARTIN of Kennebec: Mr. President and members of the Senate, two years ago in this Body I voted for this bill, and this year I took pride in authorship of this par-

ticular measure before us. I would like to state that I think the committee has done an excellent job and that their redraft is entirely fair and acceptable. I feel that this truly is a safety measure. I will not go into all the reasons as I think the Senator from Cumberland, Senator Curtis covered the bill fairly and well. I would like to say that I was rather amazed at the newspaper article coming as it did. I dislike to see such articles appear in the papers when a measure is about to be debated. I too, feel that two years ago that the railroads were treated rather unfairly and I certainly hope that that doesn't happen this year and that this bill will receive passage.

The PRESIDENT: The question is on the motion of the Senator from Oxford, Senator Pike, that the Senate accept the majority ought to pass report of the committee, and the Senator from Penobscot, Senator Hillman has asked for a division.

A division of the Senate was had.

Seventeen having voted in the affirmative and twelve opposed, the Majority ought to pass report was accepted, the bill given its first reading and tomorrow assigned for second reading.

On motion by Mr. Low of Knox

Adjourned until tomorrow morning at ten o'clock.